

very 98 Good argument

Making Consensual Crimes Legal

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According to the United States Department of Justice and the Federal Bureau of Investigation and a couple of members of their advisory board, the National Sheriffs Association and the International Association of Chiefs of Police, the only crimes listed in the Uniform Crime Reports¹ are violent crimes and property crimes. Violent crime includes murder and negligent manslaughter, forcible rape, robbery, and aggravated assault. Property crime includes burglary, larceny-theft, motor vehicle theft, and arson. Law enforcement officers killed or assaulted and hate crime statistics were added after a 1980's study was done to update the Uniform Crime Reports. No where are victimless crimes mentioned. (McWilliams 229) Current illegal activities that hurt neither persons or property of nonconsenting adults should be legal.

McWilliams uses the term "consensual crimes" which is not known as well, because moralist^{schur} say victimless crimes do have a victim--themselves. (3)

Examples of consensual crimes are prostitution, illegal gambling, illicit drugs, sale of pornography, and laws against certain types of sexual behavior. All these cases have willing participants, or as Edwin M. Schur writes "One person gives or sells another person something he or she wants." (6) Nearly all the victimless crimes are based on "religious beliefs" (thru) "restrictions and prohibitions in religion." (McWilliams 27) w d

People chose "what is right or what is wrong for themselves" based on their "religious beliefs." But consensual crimes are created when they force "that system of right and wrong upon others." (McWilliams 27)

Take gambling for example. Gambling was wide spread and legal in ancient times, but by the Christian view it became a sin and was forbidden in most cases. With the exception of Nevada, Atlantic City, and a few other cities, private gambling establishments are illegal. However gambling by churches and

the state are "aggressively promoted." (Homowy 339)

People worry that legalized gambling would threaten their neighborhoods, but when New York City opened Off Track Betting (OTB) outlets all over the city in store fronts that were near schools, day care centers, and churches, nothing happened. In other words there was no increase in crime. (McWilliams 518)

Gambling run by the state is like stealing by the government because the odds are terrible. If organized crime competes with the state, they not only win, but they prosper because their odds are better. More poor people gamble in the state run lotteries and the rich people gamble with the stock market. (McWilliams 519)

The fact that churches and the state are in the gambling business shows how hypocritical they are because they both defend their practices while condemning gambling by private establishments.

Sexual activities such as homosexuality, nongenital heterosexual intercourse, and prostitution are illegal in many states. (Hamowy 337-338)

In ancient times the prostitute was the "only women of independence." There were no other jobs for women because they were all done by men. Men owned "everything." If a woman did not want marriage, she became a prostitute and men resented this for she became independent. Later, in the pagan culture, women could become a temple prostitute and she was highly regarded. But according to the Judeo-Christian beliefs, pagan practices did not fit and the temple prostitutes were no longer accepted. (McWilliams 578-579)

It was not until the 1500's that prostitution was banned, not because of religion, but from syphilis. They knew syphilis was spread by sex and the only way they knew to stop the disease was to make prostitution illegal. (McWilliams 580)

Today there is AIDS. But prostitutes use condoms to prevent the spread

of this disease. In studies of prostitutes who do not use intravenous drugs show they have a "lower rate of HIV infection than the general population." In the legal Nevada brothels, a study of 535 prostitutes "showed that none of them was infected with HIV" and they have lower rates of infection from other sexually transmitted diseases. (McWilliams 580)

Because prostitution is illegal in most places, it forces the women to work in areas that are not safe, further degrading her. Also if a crime is committed against her, such as violence and rape, it is not reported because the police will say "That's part of the game. If you don't want it, don't be a hooker," or "You can't rape a whore." (McWilliams 581)

The men who try to pick up prostitutes are arrested, but not convicted. In many cities the names of the men are published and some "vigilante groups of moralists" will get their license plate number and thru the motor vehicles department, track down the name and address. These groups will call their spouse and employer telling them the driver was "looking for prostitutes." (McWilliams 581)

If prostitution was legal, prostitutes would have a safe work environment. Safe practice of sex would prevent the spread of sexually transmitted diseases. It would also end police corruption. Another benefit is the prostitutes income would be taxable, making them productive members of society. Money would be saved because law enforcement could concentrate on real crimes. The same could be applied to illegal drugs.

Until the end of the nineteenth century it was legal to sell cocaine and opium and its derivatives in the United States and all its territories. Racism played a role in making drugs illegal. San Francisco passed a law targeting the Oriental opium houses in 1875. Idaho followed in 1887 by passing a law, "making it unlawful to maintain or frequent a house where opium was smoked," referring to "any white person." In 1893 this was changed to

read "any person." Again racism was behind the laws banning marijuana. Immigrants from the West Indies and Mexico used marijuana as a poor man's liquor. But marijuana use gained favor from non-hispanics. Marijuana soon was prohibited in "a number of states" by the 1930's, unless there was a prescription. A prescription was also required in the Territory of Montana in 1889, for "the sale or disposition of cocaine, opium, morphine, or any of their compounds." Enforcement of the earliest laws was infrequent, and punishment for violating the law was more often than not, a small fine. (Hamowy 9-18) Richard Lawrence Miller writes that until 1915, when the "anti-drug zealots" changed drug laws, the Americans with "free access" to drugs "did not hinder national productivity, injure public health, or degrade morality." There are not any actual estimates on how many people used drugs, but there were not any "drug houses," or gangs that had street killings. The neighborhoods were not "blighted" and "drug-related" crime did not exist, and people lived ordinary middle class lives while consuming drugs avidly." This was right before World War I in twentieth-century America. "Our own history proves that we have nothing to fear from legalizing drugs, and much to gain." (133)

In fact Alcohol Prohibition can be compared to the problems now faced by drug prohibition. Crime grew, the black-market for alcohol thrived. By 1930 around 33 percent of the prisoners in federal penitentiaries was serving time for alcohol offenses. More prisons had to be built because of overcrowding. "When ordinary citizens were swept up by the federal dealer dragnet, the public turned against the law rather than their neighbor." (Miller 135-137).

Miller writes:

When our forebears saw that Prohibition was causing more harm than benefit, they did not wring their hands in bewilderment and wonder if legalization was the 'wrong message' or 'surrender to alcohol.' They simply recognized that a particular tactic did not work...They abandoned Prohibition. (137)

McWilliams uses this quote from the National Institute of Justice, from a program sponsored by the Police Foundation:

The goal of legalizing drugs is to bring them under effective legal control. If it were legal to produce and distribute drugs, legitimate businessmen would enter the business. There would be less need for violence and corruption since the industry would have access to the courts. And, instead of absorbing tax dollars as targets of expensive enforcement efforts, the drug sellers might begin to pay taxes. So, legalization might well solve the organized crime aspects of the drug trafficking problem. (551)

Laws against illegal drugs are hypocritical. Alcohol, caffeine, over-the-counter drugs, and especially tobacco should also be banned to end this hypocrisy. But this will not happen. However, by removing laws against consensual crimes and keeping tobacco, alcohol, caffeine and over-the-counter drugs will make "us a mature nation; one that realizes you cannot legislate morality, prevent people from hurting themselves, or protect people from the consequences of behavior they 'choose' to take part in." (McWilliams 107)

Other laws the government forced states to pass are the seat belt laws and the motor-cycle helmet laws. If the states did not pass these laws, then the federal government would cut off the federal highway funding. This is just more examples of the government not trusting its citizens to make their own decisions, and more freedom taken away. (McWilliams 674-676)

There are many groups that seem to protest making consensual crimes legal. Among them are religious groups, especially the fundamentalists. We have freedom of speech and we should also have:

freedom for people to do with their person or property whatever they choose as long as they don't physically harm the person or property of another; it is one of the platforms on which all our other freedoms rest--including the freedom of religion." (McWilliams 742)

Lawyers have not taken up the cause to legalize consensual crimes because half their business would vanish. Liberals have been dubbed by the religious right. Conservatives with all their talk about getting "government off our

backs" has also been "sleeping right along with the liberals." (McWilliams 742-744)

Politicians are not doing their job. It is their job to gather facts and to educate their "constituents." They are only concerned with staying in office. Law enforcement has its own reasons for not ending consensual crimes. Consensual crimes makes an "easy arrest." It is also useful to threaten to arrest, or arrest people for a consensual crime in order to get information about other crimes. Also, when law enforcement does a drug bust, "they get to keep everything, including house, car, money and land." (McWilliams 745-746)

Organized crime, of course, would not be joyful if consensual crimes were legalized. After all, because these 'crimes' are illegal is what keeps them in organized crime. (McWilliams 751-752)

Consensual crimes cost all legitimate business to pay more than their fair share in taxes and forces them to compete with criminals for the consumer's money. If consensual crimes were legalized, then they would be contributing to the economy by paying taxes. They would have legitimate employees who would also pay taxes.

Legalizing consensual crimes would stop the cycle of drug users to commit real crimes in order to pay for illegal drugs. With drugs legalized, the price would become affordable.

The First Amendment states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

This one amendment of our Constitution should alone be enough to abolish all consensual crimes because almost all these crimes have their roots based on religion. These laws against consensual crimes takes away our freedom from religion. There should be a clear separation of church and state. We cannot

legislate morality. Consensual crimes do not have victims. As long as an activity does not hurt other persons or property of nonconsenting adults, this activity should be legal.

Notes

¹ Published every year since 1930.

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